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Letter dated 15 March 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Malawi, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you would arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

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Annex

Note verbale dated 14 March 2002 from the Permanent Mission of Malawi to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

The Permanent Mission of the Republic of Malawi to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, and has the honour to submit the report of the Government of Malawi for the period from 25 September to 27 December 2001 (see enclosure).

The report outlines a number of strategic steps that Malawi has taken to facilitate the effective implementation of the various anti-terrorism measures spelled out in resolution 1373 (2001).

Enclosure

Report of the Republic of Malawi to the Security Council Counter-Terrorism Committee

INTRODUCTION

The Government of the Republic of Malawi unreservedly condemns the use of terror by any group or individual as a tool for advancing any cause. Malawi believes that terrorism should have no place on the face of the globe. Considering that terrorists are becoming more and more sophisticated in execution of their horrendous and barbaric terror campaign, it is imperative that all states must unite and cooperate in the fight against terrorism if the battle against terror is to be won. It is on the realization of this that Malawi finds the adoption of resolution 1373 by the Security Council on 28th September, 2001, appropriate. The Security Council resolution forms the solid basis upon which cooperation in the fight against terrorism should be based.

Malawi, therefore, is fully committed to working with any Member State of the United Nations as well as well-meaning partners, in particular, the Counter-Terrorism Committee established by the Security Council in keeping with resolution 1373 to combat international terrorism.

Malawi is taking serious steps geared at checking against terrorism. The existing measures are under a very thorough review in order to seal off any loopholes that may exist which terrorists may wish to take advantage of.

MEASURES AGAINST TERRORISM

- **Anti-Terrorism Contact Points**

As a first step in line with implementation of the Security Council resolution 1373, the Government of the Republic of Malawi established an Inter-Ministerial Committee on Terrorism which is chaired by the Office of the President and Cabinet and has the Ministry of Foreign Affairs and International Cooperation as its Secretariat. The entire membership of the Committee is as follows:

- The Office of the President and Cabinet,
- Ministry of Foreign Affairs and International Cooperation,
- Ministry of Defence,
- Ministry of Home Affairs and Internal Security,
- Ministry of Finance,
- Ministry of Transport and Public Works,
- Ministry of Tourism,
- Ministry of Justice,
- The National Intelligence Bureau, and
- The Reserve Bank of Malawi.

The Government also established a contact point at the Permanent Mission to the United Nations in New York.

The Committee has met several times since its establishment on 14th November 2001. It has taken various measures and has made recommendations to various concerned parties in the security system of the country to ensure that all the provisions of the UN Security Council resolution 1373 are fully complied with. The

Committee continues to examine areas in which there is need for further strengthen the existing mechanisms to ensure that there are no loopholes which terrorists, terrorist groups and terrorist entities may wish to take advantage of. One such area is the legal framework.

• **Legislation**

The existing legislation in the country provides that it is an offence to engage in any terrorist activities on the territories of Malawi or, indeed, to use the country to engage in any terrorist activity in any part of the world. However, in view of the sophistication that terrorists have attained, the Committee and, indeed, the Government of Malawi realise that the existing legislation may not be adequate to fully address the problem of international terrorism. The Ministry of Justice is currently working with the Law Review Commission to review the existing legislation to ensure that it is in tune with the challenges of the time.

On international legal instruments, Malawi is a party to the following United Nations conventions against terrorism:

1. Convention on the Offences and Certain Other Acts Committed on Board Aircrafts
2. Convention on the Suppression of Unlawful Acts against the Safety of Civil Aviation done at Montreal on 23rd September, 1971
3. Convention on the Suppression of Unlawful Seizure of Aircraft done at the Hague on 16th December, 1970
4. Convention of the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14th December, 1973
5. International Convention Against the Taking of Hostages adopted by the General Assembly of the United Nations on 17th December, 1979
6. Convention on the Physical Protection Against Nuclear Material, adopted at Vienna on 3rd March, 1980

The Government of Malawi is in the process of ratification of the following international instruments:

1. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, done at Montreal on 24th February, 1988
2. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10th March, 1988
3. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on 10th March 1988
4. Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1st March, 1991
5. International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15th December, 1997

6. International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9th December, 1999

Malawi is in support of a speedy conclusion of the Comprehensive International Convention against Terrorism being prepared by the Sixth Committee of the General Assembly of the United Nations.

• **Immigration**

The Government has intensified scrutiny of all those entering Malawi and monitoring of the movement of all those suspected to have inclination to terrorist individuals or entities.

There are restrictions on issuance of visas in order to allow for thorough scrutiny of all foreign nationals subject to Malawi visas that intend to enter the country.

There is also thorough scrutiny of all those seeking asylum in the country to check against the possibility of terrorists sneaking into Malawi as refugees or asylum seekers. However, this is done with due consideration of the Geneva Convention.

The Department of Immigration has also introduced a new passport with advanced security features to check against counterfeit passports. All holders of a Malawi passport will be required to exchange their current passports with a new one. The old passport will cease to be in use the last day of November, 2003.

• **Aviation Security**

The Ministry of Transport and Public Works in conjunction with the Police and other security arms of the state have stepped-up security at the airport in line with the International Civil Aviation Organization requirements and in tune with the security challenges of the time. However, lack of adequate and sophisticated equipment remains a stumbling block.

• **Control of Financial Flows**

The country's banking sector, lead by the Reserve Bank of Malawi is keeping a close watch on all the financial flows into and out of the country with the aim of checking against any use of the country by terrorists in conducting their financial transactions.

There is a total cooperation from various players in the sector. So far, no finances from or to terrorists, terrorist groups and entities have been detected. However, that has not made the sector relax in playing its crucial role in the fight against terrorism.

The draft bill against money laundering that will soon be tabled for consideration by legislature in the country will in the near future, strengthen the banking sector's role in checking against money laundering.

• **General Security Measures**

The Police, in conjunction with the Malawi Army and the National Intelligence Bureau, have tightened security in the country as a pre-emptive measure against terrorism. Ad-hoc security checks have been mounted in several parts of the country.

So far, no arrests have been made in relation to the question of terrorism. However, the measures being undertaken will remain in place to keep the country free from terrorist activities.

It is noteworthy that the fight against terrorism in Malawi has full support of civil society organizations as well as the general populace.

- **Cooperation with Other Member States**

Realising that no Member State can effectively deal with the problem of terrorism alone, and in keeping with the provisions of the United Nations Security Council resolution 1373 which, among other provisions, calls for cooperation among Member States in the fight against international terrorism, Malawi participated in the meeting of the Organ on Politics, Defence and Security of the Southern Africa Development Community (SADC), which met in Luanda, Angola on 17th and 18th December, 2001, to discuss the question of terrorism, among other issues. Malawi is also actively engaged in the Organization of African Unity (OAU) initiative on counter-terrorism. Malawi also fully participated in, and endorsed, the position taken by the Commonwealth on the question of international terrorism.

Bilaterally, the Government of Malawi has been enjoying cooperation and support from the Government of the United States of America through the provision of information on suspected terrorists, terrorist organizations and entities. Such information, supplemented by a list of suspected terrorists, terrorist groups and terrorist entities made available by the United Nations has assisted the Reserve Bank of Malawi and, indeed, commercial banks in the country in checking against financial flows from suspected terrorists. Security Organs of the state have equally made use of this vital information.

LIMITATIONS

While Malawi is determined to fight against terrorism individually, and, indeed, join all other countries in the global fight against international terrorism, there is a serious problem of capacity to deal with this challenge effectively. The problems range from lack of trained human resource to lack of appropriate or relevant technology, including equipment. The government would, therefore, welcome assistance from the international community to address these shortcomings.

CONCLUSION

Malawi fully supports the Security Council resolution 1373 and views it as the solid basis for any meaningful fight against terrorism. In this regard, the Government is applying every effort to ensure full compliance with the resolutions of the United Nations.

However, as a developing nation with very limited resources, the county's efforts can only be meaningful if complemented by support from the global community. Malawi has serious limitations in counter-terrorism-related training for the security arms of the Government and equipment. These are some of the major areas of concern to the Government as it realizes that they have the potential to limit the gains against in the fight against terrorism.